

IC 13-12

ARTICLE 12. GENERAL PROVISIONS

IC 13-12-1

Chapter 1. Effect of Recodification by the Act of the 1996 Regular Session of the General Assembly

IC 13-12-1-1

Purpose

Sec. 1. The purpose of the recodification act of the 1996 regular session of the general assembly is to recodify prior environmental law in a style that is clear, concise, and easy to interpret and apply. Except to the extent that:

(1) the recodification act of the 1996 regular session of the general assembly is amended to reflect the changes made in a provision of another bill that adds to, amends, or repeals a provision in the recodification act of the 1996 regular session of the general assembly; or

(2) the minutes of meetings of the code revision commission during 1995 expressly indicate a different purpose;

the substantive operation and effect of the prior environmental law continue uninterrupted as if the recodification act of the 1996 regular session of the general assembly had not been enacted.

As added by P.L.1-1996, SEC.2.

IC 13-12-1-2

Applicability of sections

Sec. 2. Subject to section 1 of this chapter, sections 3 through 8 of this chapter shall be applied to the statutory construction of the recodification act of the 1996 regular session of the general assembly.

As added by P.L.1-1996, SEC.2.

IC 13-12-1-3

Applicability of article

Sec. 3. (a) The recodification act of the 1996 regular session of the general assembly does not affect:

(1) any rights or liabilities accrued;

(2) any penalties incurred;

(3) any violations committed;

(4) any proceedings begun;

(5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;

(6) any tax levies made or authorized;

(7) any funds established;

(8) any patents issued;

(9) the validity, continuation, or termination of any contracts or leases executed;

(10) the validity, continuation, scope, termination, suspension, or revocation of:

- (A) permits;
 - (B) licenses;
 - (C) certificates of registration;
 - (D) grants of authority; or
 - (E) limitations of authority; or
- (11) the validity of court decisions entered regarding the constitutionality of any provision of the prior environmental law;

before the effective date of the recodification act of the 1996 regular session of the general assembly (July 1, 1996). Those rights, liabilities, penalties, offenses, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, leases, permits, licenses, certificates of registration, grants of authority, or limitations of authority continue and shall be imposed and enforced under prior environmental law as if the recodification act of the 1996 regular session of the general assembly had not been enacted.

(b) The recodification act of the 1996 regular session of the general assembly does not:

- (1) extend, or cause to expire, a permit, license, certificate of registration, or other grant or limitation of authority; or
- (2) in any way affect the validity, scope, or status of a license, permit, certificate of registration, or other grant or limitation of authority;

issued under the prior environmental law.

(c) The recodification act of the 1996 regular session of the general assembly does not affect the revocation, limitation, or suspension of a permit, license, certificate of registration, or other grant or limitation of authority based in whole or in part on violations of the prior environmental law or the rules adopted under the prior environmental law.

As added by P.L.1-1996, SEC.2.

IC 13-12-1-4

Construction of statutes

Sec. 4. The recodification act of the 1996 regular session of the general assembly shall be construed as a recodification of prior environmental law. Except as provided in section 1(1) and 1(2) of this chapter, if the literal meaning of the recodification act of the 1996 regular session of the general assembly would result in a substantive change in the prior environmental law, the difference shall be construed as a typographical, spelling, or other clerical error that must be corrected by:

- (1) inserting, deleting, or substituting words, punctuation, or other matters of style in the recodification act of the 1996 regular session of the general assembly; and
- (2) using any other rule of statutory construction;

as necessary or appropriate to apply the recodification act of the 1996 regular session of the general assembly in a manner that does not result in a substantive change in the law. The principle of statutory construction that a court must apply the literal meaning of

an act if the literal meaning of the act is unambiguous does not apply to the recodification act of the 1996 regular session of the general assembly to the extent that the recodification act of the 1996 regular session of the general assembly is not substantively identical to the prior environmental law.

As added by P.L.1-1996, SEC.2.

IC 13-12-1-5

Repealed or replaced statutes and rules

Sec. 5. Subject to section 8 of this chapter, a reference in a statute or rule to a statute that is repealed and replaced in the same or a different form in the recodification act of the 1996 regular session of the general assembly shall be treated after the effective date of the new provision as a reference to the new provision.

As added by P.L.1-1996, SEC.2.

IC 13-12-1-6

Inclusion of prior statutes

Sec. 6. A citation reference in the recodification act of the 1996 regular session of the general assembly to another provision of the recodification act of the 1996 regular session of the general assembly shall be treated as including a reference to the provision of prior environmental law that is substantively equivalent to the provision of the recodification act of the 1996 regular session of the general assembly that is referred to by the citation reference.

As added by P.L.1-1996, SEC.2.

IC 13-12-1-7

Rules

Sec. 7. (a) As used in the recodification act of the 1996 regular session of the general assembly, a reference to rules adopted under any provision of this title or under any other provision of the recodification act of the 1996 regular session of the general assembly refers to either:

- (1) rules adopted under the recodification act of the 1996 regular session of the general assembly; or
- (2) rules adopted under the prior environmental law until those rules have been amended, repealed, or superseded.

(b) Rules adopted under the prior environmental law continue in effect after June 30, 1996, until the rules are amended, repealed, or suspended.

As added by P.L.1-1996, SEC.2.

IC 13-12-1-8

Inclusion or omission of prior statutes; aid to reader; effect on grants of authority

Sec. 8. (a) A reference in the recodification act of the 1996 regular session of the general assembly to a citation in the prior environmental law before its repeal is added in certain sections of the recodification act of the 1996 regular session of the general assembly

only as an aid to the reader.

(b) The inclusion or omission in the recodification act of the 1996 regular session of the general assembly of a reference to a citation in the prior environmental law before its repeal does not affect:

- (1) any rights or liabilities accrued;
- (2) any penalties incurred;
- (3) any violations committed;
- (4) any proceedings begun;
- (5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;
- (6) any tax levies made;
- (7) any funds established;
- (8) any patents issued;
- (9) the validity, continuation, or termination of contracts or leases executed; or
- (10) the validity, continuation, scope, termination, suspension, or revocation of:
 - (A) permits;
 - (B) licenses;
 - (C) certificates of registration;
 - (D) grants of authority; or
 - (E) limitations of authority;

before the effective date of the recodification act of the 1996 regular session of the general assembly (July 1, 1996). Those rights, liabilities, penalties, offenses, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, leases, licenses, permits, certificates of registration, and other grants of authority continue and shall be imposed and enforced under prior environmental law as if the recodification act of the 1996 regular session of the general assembly had not been enacted.

(c) The inclusion or omission in the recodification act of the 1996 regular session of the general assembly of a citation to a provision in the prior environmental law does not affect the use of a prior conviction, violation, or noncompliance under the prior environmental law as the basis for revocation of a license, permit, certificate of registration, or other grant of authority under the recodification act of the 1996 regular session of the general assembly, as necessary or appropriate to apply the recodification act of the 1996 regular session of the general assembly in a manner that does not result in a substantive change in the law.

As added by P.L.1-1996, SEC.2.